

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

No. 21-CR-754

JOSE LUIS DAVILA SANTACRUZ,

Defendant(s).

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VALERIE CAPRONI, United States District Judge:

ORDER

On May 23, 2023, Jose Luis Davila Santacruz (“Defendant”) was sentenced principally to a term of imprisonment of thirty months following his plea of guilty to charges relating to conspiracy to structure cash deposits, in violation of 18 U.S.C. §§ 371 and 5324. The Defendant’s sentencing guidelines range was 30 to 37 months’ imprisonment, based on an offense level of 19 and a criminal history category of I. The Bureau of Prisons currently projects that the Defendant will be released from prison on July 7, 2025.

Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission (“Sentencing Commission”) amended the United States Sentencing Guidelines Manual in two respects. Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points. Part B, in the part relevant here, amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria. The Sentencing Commission made these amendments

retroactive effective November 1, 2023. Defendants whose requests are granted by the courts can be released from prison no earlier than February 1, 2024.

Though the Defendant has not made a motion for a reduction in sentence, the Probation Department proactively identified him as possibly eligible for such a reduction. Probation has issued a report indicating Defendant is eligible for a reduction. Report, Dkt. 73.

Pursuant to the standing order of the Chief Judge of this District, the Federal Defenders of New York has been appointed to represent the Defendant in this Court's consideration of whether the Defendant's sentence should be modified in light of Amendment 821.

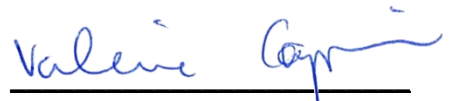
IT IS ORDERED that no later than **Wednesday, January 17, 2024**, the Government shall file a statement of its position on the motion for modification of the Defendant's sentence.

IT IS FURTHER ORDERED that the Defendant shall file his response, if any, no later than **Friday, February 23, 2023**.

The Court's intention, unless it orders otherwise, is to resolve this motion based on the parties' written submissions.

SO ORDERED.

Dated: New York, New York
December 14, 2023



THE HON. VALERIE CAPRONI
United States District Judge

cc: Jennifer Brown, Esq., Federal Defenders of New York